



*Town of Tyngsborough
Conservation Commission*
25 Bryants Lane
Tyngsborough, Massachusetts 01879-1003
Office: (978) 649-2300 ext 116
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Minutes
February 24, 2009
APPROVED

Present:

ES: Ed Smith **JK:** Jeff Kablik **LG:** Lucy Gertz **WL:** William Look
MM: Matt Marro, Conservation Director

Absent:

PB: Paul Barker

7:00pm Meeting opened by Ed Smith

7:00pm 82 Farwell Rd. (M19, P18/19) – Relating to 5 Heather Way: Request for a **Partial Certificate of Compliance DEP# 309-429**. Order of Conditions issued 7/22/97.

7:03pm 82 Farwell Rd. in R.O.W. near intersection of Farwell Rd. and Middlesex Rd. (M19, P18/19) – Relating to 5 Heather Way: Request for a **Partial Certificate of Compliance DEP# 309-430**. Order of Conditions issued 7/22/97.

7:05pm 92,94,96,98,100,107 & 110 Massapoag Rd. (M3, Lots 2,3,4,4-4,4-5,4-6,4-7,4-8): Request for a **Certificate of Compliance DEP# 309-744**. Order of Conditions issued 6/29/05 & extended on 6/29/08.

MM recommends issuing these Certificates of Compliance.

JK: Motion to issue Certificates of Compliance for **DEP# 309-429, DEP# 309-430, and DEP# 309-744**.

WL: 2nd the motion

In Favor: 4 Absent: 3

7:10pm Lake Mascuppic/Town of Tyngsborough – **Request for a 3 year Extension to Order of Conditions DEP# 309-0782**: Weed treatment for Lake Mascuppic.

MM recommends issuing this extension.

JK: Motion to issue a **3 year Extension to Order of Conditions DEP# 309-0782** for the weed treatment for Lake Mascuppic.

WL: 2nd the motion

In Favor: 4 Absent: 3

Director's Determinations and Report

18 & 20 Alder St. – Removal of trees within the buffer zone due to storm damage.

MM reported that the trees were severely damaged during the ice storm in December 2008 and are now a safety hazard for the property owners.

JK: Motion to approve the Director's Determination for 18 & 20 Alder St.

WL: 2nd the motion

In Favor: 4 **Absent:** 3

7:15pm **Dunstable Rd. (M22, P24, L0) – Notice of Intent** for the proposed placement of a 10ft. wide gravel access drive, utility pole, and grading associated for the construction of an oversized sign.

JK: Motion to waive the reading of the legal notice

WL: 2nd the motion

In Favor: 4 **Absent:** 3

JK: Motion to waive the reading of the abutters list

WL: 2nd the motion

In Favor: 4 **Absent:** 3

Steve Eriksen of Norse Environmental representing the client, Walter Eriksen, presented the plans for a driveway access road that would lead to an oversized sign. The sign construction was approved by the Tyngsborough Zoning Board of Appeals. This project is being constructed in both Tyngsborough and Westford. Mr. Eriksen reported that the comments from Rachel Freed of MassDEP for the Tyngsborough portion of this NOI were misdirected to Westford. However, Mr. Eriksen said that he has obtained the necessary comments from Ms. Freed in order to proceed with this project. Additional approvals from Westford and the state are in progress and nearing completion. JK inquired about who would be using and maintaining the driveway. Mr. Eriksen said that the driveway would only be used by the owners of the sign who would be maintaining both the driveway and the sign itself. MM has reviewed the application and recommends a standard Order of Conditions.

JK: Motion to close the hearing

WL: 2nd the motion

In Favor: 4 **Absent:** 3

JK: Motion to issue a Standard Order of Conditions for the placement of a 10ft. wide gravel access drive, utility pole, and grading associated for the construction of an oversized sign.

WL: 2nd the motion

In Favor: 4 **Absent:** 3

Minutes/Sign Forms/Other Business

JK: Motion to approve the minutes from 1/13/09.

WL: 2nd the motion

In Favor: 4 Absent: 3

- Minutes from the 10/14/08 meeting could not be approved due to lack of quorum of members who attended that meeting.

Land use rules & regulations discussion continued from the January 13, 2009 meeting.

The Commission continued its discussion regarding the Rules & Regulations concerning the use of Town owned land and open space. The Rules & Regulations currently in place are a general usage guide for all Town owned land and open space. The Commission believes that a more detailed comprehensive guide would be more effective in establishing the definitive uses and non-uses for Town owned land and open space, and in improving public access and awareness. MM has drafted a new Land Use Policy for the Town's inventory of open space lands. MM explained that as a result of his research, the policy he has drafted would be a good place for the Commission to start the review process in order to establish an effective policy that would be fair for all parties who use Town owned land for recreational purposes. ES recommended that a complete list of town owned parcels with acreages and other defining attributes be compiled for the Commission's review. This discussion will, therefore, be continued until the meeting to be held on March 24, 2009.

Signed the following forms:

- 82 Farwell Rd. (M19, P18/19) – Relating to 5 Heather Way: **Partial Certificate of Compliance DEP# 309-429.**
- 82 Farwell Rd. in R.O.W. near intersection of Farwell Rd. and Middlesex Rd. (M19, P18/19) – Relating to 5 Heather Way: **Partial Certificate of Compliance DPE# 309-430.**
- 92,94,96,98,100,107 & 110 Massapoag Rd. (M3, Lots 2,3,4,4-4,4-5,4-6,4-7,4-8): **Certificate of Compliance DEP# 309-744.**
- Lake Mascuppic/Town of Tyngsborough – **3 year Extension to Order of Conditions DEP# 309-0782.**

7:50pm

JK: Motion to adjourn

WL: 2nd the motion

In Favor: 4 Absent: 3

Respectfully submitted
Pamela Berman, Conservation Clerk